

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LABORERS' LOCAL #231 PENSION FUND,
v.
RORY J. COWAN, et al.,
Defendants,

Plaintiff,
C.A. No. 17-478-MAK

MOTION TO DISMISS

Defendants in this action hereby move pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss with prejudice the amended complaint, D.I. #34 because it fails to state a claim upon which relief can be granted. Defendants have filed an opening brief in support of their motion, which lays out more fully the bases for their motion.

WHEREFORE, Defendants respectfully request that their motion to dismiss be granted.

Respectfully submitted,

Dated: May 25, 2018

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CERTIFICATE OF SERVICE

I, Elena C. Norman, hereby certify that on May 25, 2018, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on May 25, 2018, I caused the foregoing document to be served via electronic mail upon the above-listed counsel and on the following:

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